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09/897,237	07/02/2001	Mika Munenaka	09792909-5086	8226

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AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
2142	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/897,237	MUNENAKA ET AL.
	Examiner	Art Unit	
	Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10-17 and 19-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-17 and 19-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This action is in response to correspondence filed 18 October 2007.

2. Claims 1-8, 10-17 and 19-26 remain pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-8, 10-17 and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al. (US 5,933,811), hereinafter referred to as Angles, in view of Prust (US 6,735,623).

6. Regarding claim 1, Angles teaches a content managing system having a content managing portion comprising:

a content library for storing files of a plurality of contents provided by a content

provider (Angles, figure 4, item 70);

library managing means for managing said content library (Angles, figure 4, item

18);

Angles teaches in column 14, lines 23-26 the advertisement provider computer

having registration capabilities. The registration steps include obtaining information

pertaining to users and storing this information about the user in a database utilizing a

registration module. Angles teaches information being stored which is related to a user

but does not explicitly teach the ability to store specific files for the user in an area

assigned to each user. However, in related art, Prust teaches on the ability to store

specific files for the user in an area assigned to each user wherein Prust teaches a

method for providing a remote storage area specifically for users in a computer

networking environment wherein it would be considered desirable to store files

remotely. The remote storage device disclosed by Prust is divided so that each user is

assigned a specific storage area. The user is then able to access the remote storage

from different locations over a network communication line from a user terminal. The

user is also able to copy and store data files in their storage area (Prust, column 1, lines

30-37). These aspects of Prust teach on the limitations of customer file storing and

managing means and the communication of a user with a content managing portion

over a network. It would have been obvious to one of ordinary skill in the art at the time

of the applicant's invention to provide a "customer file storing means" (remote storage

area) as disclosed by Prust, in combination with the registration and user database as

disclosed by Angles. One of ordinary skill in the art would have been motivated to make such a combination because of the benefit of being able to access data files from different locations (remote access). The combination of Angles and Prust teach on the content managing portion being operated remotely by a terminal unit of a user (fig. 1, items 12 and 14) so that when the user selects a content linked to a page published by the content provider through the network, the selected content is copied from said content library to the area assigned to the user (Angles, col. 8, ll. 34-42, the requesting of content; Prust, col. 1, ll. 30-37). Angles and Prust teach a method for statistics gathering wherein Angles utilizes an accounting database which tracks how often content is used (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7) and when in combination with Prust as outlined above teaches on the content which is either stored or linked to a storage area (Prust, col. 1, ll. 30-37).

7.   Regarding claim 2, Angles discloses the content being advertisements (col. 2, lines 49-51).

8.   Regarding claim 3, Angles discloses the content managing system wherein the content provider can freely change, replace, and delete the file of a content provided to said content library (col. 13, lines 21-23 and col. 15, lines 20-42, Angles discloses the advertisement provider having full control over maintaining the content stored (generating and deleting advertisements) in the content database.).

9.   Regarding claim 4, as mentioned in the rejection of claim 1, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics

gathering. Angles utilizes an accounting database which tracks how often content is used (see Angles, col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 1 applies equally as well to claim 4.

10.   Regarding claim 5, as mentioned in the rejection of claim 1, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is used and tracks demographic information including sex (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 1 applies equally as well to claim 5.

11.   Regarding claim 6, as mentioned in the rejection of claim 1, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is used and tracks demographic information including age (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 1 applies equally as well to claim 6.

12.   Regarding claim 7, as mentioned in the rejection of claim 1, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is viewed (clicked) (see Angles, col. 4, lines 17-20, col. 14, lines 19-23 and col. 15, line 65

– col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 1 applies equally as well to claim 7.

13.   Regarding claim 8, as mentioned in the rejection of claim 1, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is viewed. How often content is viewed requires the time and date in order for the statistic to be calculated efficiently (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 1 applies equally as well to claim 8.

14.   Regarding claim 10, Angles teaches a content managing apparatus, comprising:

a content library for storing files of a plurality of contents provided by a content provider (Angles, figure 4, item 70);

library managing means for managing said content library (Angles, figure 4, item 18);

Angles teaches in column 14, lines 23-26 the advertisement provider computer having registration capabilities. The registration steps include obtaining information pertaining to users and storing this information about the user in a database utilizing a registration module. Angles teaches information being stored which is related to a user but does not explicitly teach the ability to store specific files for the user in an area assigned to each user. However, in related art, Prust teaches on the ability to store specific files for the user in an area assigned to each user wherein Prust teaches a

method for providing a remote storage area specifically for users in a computer

networking environment wherein it would be considered desirable to store files

remotely. The remote storage device disclosed by Prust is divided so that each user is

assigned a specific storage area. The user is then able to access the remote storage

from different locations over a network communication line from a user terminal. The

user is also able to copy and store data files in their storage area (Prust, column 1, lines

30-37). These aspects of Prust teach on the limitations of customer file storing and

managing means and the communication of a user with a content managing portion

over a network. It would have been obvious to one of ordinary skill in the art at the time

of the applicant's invention to provide a "customer file storing means" (remote storage

area) as disclosed by Prust, in combination with the registration and user database as

disclosed by Angles. One of ordinary skill in the art would have been motivated to make

such a combination because of the benefit of being able to access data files from

different locations (remote access). The combination of Angles and Prust teach on the

content managing portion being operated remotely by a terminal unit of a user (fig. 1,

items 12 and 14) so that when the user selects a content linked to a page published by

the content provider through the network, the selected content is copied from said

content library to the area assigned to the user (Angles, col. 8, II. 34-42, the requesting

of content; Prust, col. 1, II. 30-37). Angles and Prust teach a method for statistics

gathering wherein Angles utilizes an accounting database which tracks how often

content is used (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7)

and when in combination with Prust as outlined above teaches on the content which is either stored or linked to a storage area (Prust, col. 1, ll. 30-37).

15.   Regarding claim 11, Angles discloses the content being advertisements (col. 2, lines 49-51).

16.   Regarding claim 12, Angles discloses the content managing system wherein the content provider can freely change, replace, and delete the file of a content provided to said content library (col. 13, lines 21-23 and col. 15, lines 20-42, Angles discloses the advertisement provider having full control over maintaining the content stored (generating and deleting advertisements) in the content database.).

17.   Regarding claim 13, as mentioned in the rejection of claim 10, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is used (see Angles, col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 10 applies equally as well to claim 13.

18.   Regarding claim 14, as mentioned in the rejection of claim 10, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is used and tracks demographic information including sex (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 10 applies equally as well to claim 14.

19.   Regarding claim 15, as mentioned in the rejection of claim 10, Angles does not

explicitly recite the use of a storage area specifically designated for each user, however

Prust teaches this feature at length. Angles does in fact teach a method for statistics

gathering. Angles utilizes an accounting database which tracks how often content is

used and tracks demographic information including age (see Angles, col. 14, lines 19-

23 and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine

Angles and Prust as utilized in claim 10 applies equally as well to claim 15.

20.   Regarding claim 16, as mentioned in the rejection of claim 10, Angles does not

explicitly recite the use of a storage area specifically designated for each user, however

Prust teaches this feature at length. Angles does in fact teach a method for statistics

gathering. Angles utilizes an accounting database which tracks how often content is

viewed (clicked) (see Angles, col. 4, lines 17-20, col. 14, lines 19-23 and col. 15, line 65

– col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized

in claim 10 applies equally as well to claim 16.

21.   Regarding claim 17, as mentioned in the rejection of claim 10, Angles does not

explicitly recite the use of a storage area specifically designated for each user, however

Prust teaches this feature at length. Angles does in fact teach a method for statistics

gathering. Angles utilizes an accounting database which tracks how often content is

viewed. How often content is viewed requires the time and date in order for the statistic

to be calculated efficiently (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16,

line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim

10 applies equally as well to claim 17.

22.   Regarding claim 19, Angles teaches a content managing method comprising the

steps of:

a content library for storing files of a plurality of contents provided by a content

provider (Angles, figure 4, item 70);

library managing means for managing said content library (Angles, figure 4, item

18);

Angles teaches in column 14, lines 23-26 the advertisement provider computer

having registration capabilities. The registration steps include obtaining information

pertaining to users and storing this information about the user in a database utilizing a

registration module. Angles teaches information being stored which is related to a user

but does not explicitly teach the ability to store specific files for the user in an area

assigned to each user. However, in related art, Prust teaches on the ability to store

specific files for the user in an area assigned to each user wherein Prust teaches a

method for providing a remote storage area specifically for users in a computer

networking environment wherein it would be considered desirable to store files

remotely. The remote storage device disclosed by Prust is divided so that each user is

assigned a specific storage area. The user is then able to access the remote storage

from different locations over a network communication line from a user terminal. The

user is also able to copy and store data files in their storage area (Prust, column 1, lines

30-37). These aspects of Prust teach on the limitations of customer file storing and

managing means and the communication of a user with a content managing portion

over a network. It would have been obvious to one of ordinary skill in the art at the time

of the applicant's invention to provide a "customer file storing means" (remote storage

area) as disclosed by Prust, in combination with the registration and user database as

disclosed by Angles. One of ordinary skill in the art would have been motivated to make

such a combination because of the benefit of being able to access data files from

different locations (remote access). The combination of Angles and Prust teach on the

content managing portion being operated remotely by a terminal unit of a user (fig. 1,

items 12 and 14) so that when the user selects a content linked to a page published by

the content provider through the network, the selected content is copied from said

content library to the area assigned to the user (Angles, col. 8, ll. 34-42, the requesting

of content; Prust, col. 1, ll. 30-37). Angles and Prust teach a method for statistics

gathering wherein Angles utilizes an accounting database which tracks how often

content is used (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7)

and when in combination with Prust as outlined above teaches on the content which is

either stored or linked to a storage area (Prust, col. 1, ll. 30-37).

23. Regarding claim 20, Angles discloses the content being advertisements (col. 2,

lines 49-51).

24. Regarding claim 21, Angles discloses the content managing system wherein the

content provider can freely change, replace, and delete the file of a content provided to

said content library (col. 13, lines 21-23 and col. 15, lines 20-42, Angles discloses the

advertisement provider having full control over maintaining the content stored

(generating and deleting advertisements) in the content database.).

25.   Regarding claim 22, as mentioned in the rejection of claim 19, Angles does not

explicitly recite the use of a storage area specifically designated for each user, however

Prust teaches this feature at length. Angles does in fact teach a method for statistics

gathering. Angles utilizes an accounting database which tracks how often content is

used (see Angles, col. 15, line 65 – col. 16, line 7). The reasoning and motivation to

combine Angles and Prust as utilized in claim 19 applies equally as well to claim 22.

26.   Regarding claim 23, as mentioned in the rejection of claim 19, Angles does not

explicitly recite the use of a storage area specifically designated for each user, however

Prust teaches this feature at length. Angles does in fact teach a method for statistics

gathering. Angles utilizes an accounting database which tracks how often content is

used and tracks demographic information including sex (see Angles, col. 14, lines 19-23

and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles

and Prust as utilized in claim 19 applies equally as well to claim 23.

27.   Regarding claim 24, as mentioned in the rejection of claim 19, Angles does not

explicitly recite the use of a storage area specifically designated for each user, however

Prust teaches this feature at length. Angles does in fact teach a method for statistics

gathering. Angles utilizes an accounting database which tracks how often content is

used and tracks demographic information including age (see Angles, col. 14, lines 19-

23 and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine

Angles and Prust as utilized in claim 19 applies equally as well to claim 24.

28.   Regarding claim 25, as mentioned in the rejection of claim 19, Angles does not

explicitly recite the use of a storage area specifically designated for each user, however

Prust teaches this feature at length. Angles does in fact teach a method for statistics

gathering. Angles utilizes an accounting database which tracks how often content is

viewed (clicked) (see Angles, col. 4, lines 17-20, col. 14, lines 19-23 and col. 15, line 65

– col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized

in claim 19 applies equally as well to claim 25.

29.   Regarding claim 26, as mentioned in the rejection of claim 19, Angles does not

explicitly recite the use of a storage area specifically designated for each user, however

Prust teaches this feature at length. Angles does in fact teach a method for statistics

gathering. Angles utilizes an accounting database which tracks how often content is

viewed. How often content is viewed requires the time and date in order for the statistic

to be calculated efficiently (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16,

line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim

19 applies equally as well to claim 26.

Response to Arguments

30.   Applicant's arguments filed 18 October 2007 have been fully considered but they

are not persuasive.

31.   Applicant argues with respect to independent claims 1, 10 and 19, which all

recite similar subject matter, that Angles in view of Prust fails to disclose or suggest

"counting the period for which each content is stored or linked in each user area and

creates a database containing the counted values." The examiner respectfully

disagrees with the applicant's position. In response to applicant's arguments against

the references individually, one cannot show nonobviousness by attacking references

individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Angles is not relied upon for teaching the storage of specific files for users in a computer networking environment wherein it would be considered desirable to store files remotely. Prust is relied upon for teaching this idea in the art wherein Prust teaches in column 1, lines 30-37 on the ability to store specific files for the user in an area assigned to each user wherein Prust teaches a method for providing a remote storage area specifically for users in a computer networking environment wherein it would be considered desirable to store files remotely. Angles teaches in column 14, lines 19-23 and column 15, line 65 through column 16, line 7, a method for statistics gathering wherein Angles utilizes an accounting database which tracks how often content is used. Angles specifically teaches the recordation of audit information which includes but is not limited to what content is actually viewed, how often content is viewed, who has actually viewed the content, the number and type of content viewed, etc. This audit information clearly taught by Angles in just column 15, line 67 through column 16, line 7 is deemed within the scope of "counting the period for which each content is stored or linked" when correctly considered in combination with what is taught by Prust. The combination of Angles and Prust as set forth in the above rejection teaches on the content in question being either stored or linked to a storage area specific to an individual user.

32.   Therefore, in view of the above, Angles in view of Prust disclose or at least

suggest claims 1, 10 and 19 the claims 2-8, 11-17 and 20-26 which depend directly on

either independent claims 1, 10 or 19.

Conclusion

33.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-

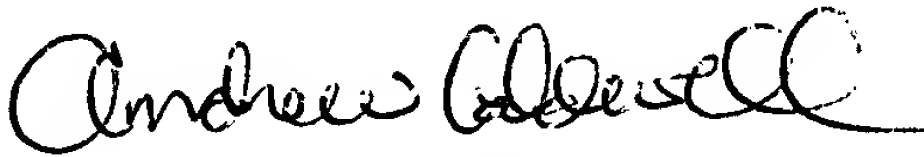3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER